

APPEAL NO. 021533
FILED AUGUST 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 9, 2002. The hearing officer resolved the sole disputed issue by deciding that the appellant (claimant) had disability as a result of his _____, compensable injury for the periods of January 4 to January 15, 2001, and February 22 to April 4, 2001. The claimant appealed, arguing that his second period of disability should have been from February 22 to September 29, 2001, based upon his treating doctor's reports. The respondent (carrier) did not file a response.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's periods of disability as a result of his compensable injury of _____, were January 4 to January 15, 2001, and February 22 to April 4, 2001. The parties argued different and conflicting interpretations of the evidence regarding both the claimant's separation from the employer and his earnings during the disputed periods.

The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). We conclude that the hearing officer's disability determination is supported by the evidence. The hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The official corporate name of the carrier is **ASSOCIATION CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**HAROLD FISHER-PRESIDENT
3420 EXECUTIVE CENTER DRIVE, SUITE 200
AUSTIN, TEXAS 78731.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge